IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No.193 of 2006
in
F.C.A.No. 79 of 1995

Smt.Alpna Subhash Bawiskar ..Petitioner

vs.

Mr.Subhash Waman Bawiskar ..Respondent

Shri S.M.Rayrikar i/b Shri A.M.Joshi for applicant.
Respondent in person present.

CORAM: S.B.MHASE AND
Smt.V.K.TAHILRAMANI JJ.
29th January, 2007

P.C.

1. Heard.

2. This is an application to set aside the order dated 19th June, 2006 when the matter was dismissed for non prosecution. The learned Counsel for the applicant has explained that he was busy in other court and, therefore, could not remain present in this Court. The respondent who is present in person streneously opposed. However, interest of justice requires that the matter should be heard on merits and shall be disposed of on merits and, therefore, we are inclined to restore the matter, however, on payment of

cost. The order dated 19th June, 2006 is hereby set aside on payment of cost of Rs.5000/- to be paid to the respondent within a period of four weeks. If the amount is not paid within the stipulated period the matter shall stand disposed of for non prosecution without reference to Court.

3. Civil application is disposed of.

(Smt.V.K.TAHILRAMANI J.) **(S.B.MHASE J.)**